

REMARKS

Claims 1-110 are all the claims pending in the application, among which claims 1, 12, 14, 25, 35 and 44 are elected for prosecution.

Statement of Substance of Interview

Applicant thanks the Examiner and his SPE for conducting an interview with the undersigned and Mr. D. Honda on May 12, 2009. The independent claims, e.g. claim 1, was discussed along with differences with the prior art (US Patent No. 6,895,216 Sato et al.), along the lines discussed below. The Examiner agreed that Sato does not teach all the features of claim 1, and indicated that an updated prior art search would be performed once a response to the Office Action is received.

Double Patenting

Claims 1 and 44 are provisionally rejected on the ground of nonstatutory double patenting over claim 24 of copending application no. 10/546,448. Applicant respectfully requests that the rejection be held in abeyance until either the copending or the present application is in condition for allowance but for the double patenting rejection.

Prior Art Rejections

Claims 1, 12, 14, 25, 35 and 44 are rejected under 35 U.S.C. § 102(e) as being anticipated by Sato et al. Applicant respectfully traverses the rejection.

Claim 1, for example, recites “selecting a session of multicast or broadcast distribution according to the compression ratio” in which video encoded data is distributed having different compression ratios.

As agreed in the interview, Sato does not disclose distributing video encoded data having different compression ratios. Rather, Sato describes, for example, transmitting data using different transmission rates. See, for example, col. 2, lines 50-54. Accordingly, it is respectfully submitted that Sato does not anticipate claim 1.

Similarly, the other independent claims recite distributing video encoded data or selecting a session according to different compression ratios. Claim 12 recites selecting encoded data from encoded data received normally based on the video quality and/or the compression ratio. Claim 14 recites “selecting a session of the distribution according to the compression ratio.” Claims 25 and 35 recite “distributing, by said video data distribution device, video encoded data of the same video, but having different compression ratios.” Claim 44 recites “distributing multiple video encoded data of the same video, but having different compression ratios in multiple different sessions.”

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880.

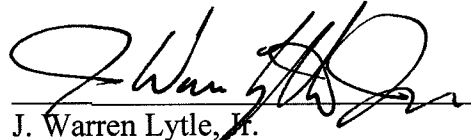
RESPONSE UNDER 37 C.F.R. § 1.116

Attorney Docket No.: Q89586

Application No.: 10/544,403

Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. Warren Lytle, Jr.", written over a horizontal line.

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